

REMARKS

Claims 1-9 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-2 and 4-9 stand rejected under 35 U.S.C. § 102(3) as being anticipated by Rubstein (U.S. Patent Application No. US 2002/0061566 A1). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubstein et al. These rejections are respectfully traversed.

In the applicants' system, the music card is created using image data and music data. The card is delivered by a transmitter, whereby the transmitter transmits the music card free of charge by appending advertisement data to the card. In this way, copyrighted media which would otherwise carry a royalty may be delivered free of charge by appending advertisement data to the card.

Rubstein discloses a process for dynamically integrating two or more digital files. In one embodiment an advertisement is dynamically integrated with a digital file. Rubstein also discloses that the digital file can be in the form of a greeting card that may include interactive graphics and/or audio presentations. (See Rubstein paragraph 33, for example.) However, Rubstein fails to disclose a system in which the card transmitter transmits a music card free of charge by appending advertisement data to the card.

Thus Rubstein does not have an important feature of the applicants' system and method.

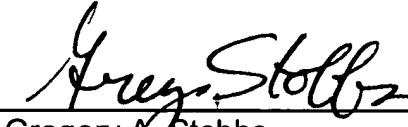
In order to more fully distinguish applicants' invention from Rubstein, the independent claims have been amended to recite that the transmitter transmits the music card free of charge by appending the advertisement data to the card. Rubstein does not teach or suggest this limitation. With regard to the financial aspects of the card, Rubstein simply recognizes that the card vendor would charge a fee for providing advertising service. See Rubstein, para. 36, for example. This, however, does not address the feature of applicants' system whereby the music card is transmitted free of charge by appending advertisement data to the card. Accordingly, it is respectfully submitted that the independent claims, and all claims dependent thereon are allowable over Rubstein.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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